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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,296	02/20/2004	Masaki Yamamoto	9281-4742	7818

7590 07/25/2006

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Chicago, IL 60610

EXAMINER

HSIA, SHERRIE Y

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/783,296	Applicant(s) YAMAMOTO, MASAKI	
	Examiner Sherrie Hsia	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16, 18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 9, 17, 19 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/20/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities:

In claim 15, line 18, "distributing section" should be --second tuning circuit-- because the distributing section is located in one section not sub-section.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Fig. 2 of applicant admitted prior art (AAPA).

As to claims 1-3, 5, 6, Fig. 2 of AAPA discloses the claimed subject matter, the claimed conductive frame is met by the frame 51, the claimed first shield plate is met by the first shield plate 52, the claimed first division adjacent to the first side plate is met by the first compartment 56, the claimed second division adjacent to the second side plate is met by the compartments 57-60, the claimed distributing section is met by the first compartment 56, the claimed tuning section is met by the compartments 57-60, the claimed first connector is met by the connector 61, the claimed second connector is met by the connector 62, the claimed first wideband amplifier is met by the amplifier 64, the claimed second wideband amplifier is met by the amplifier 66.

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As to claim 10, the claimed limitation is disclosed by Fig. 2 of AAPA.

As to claim 11, the claimed means for reducing a noise figure is met by the amplifier 64.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3, 5, 6 and 10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 10-12 of copending Application No. 10/932748. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are but different definitions of the same subject matter, varying in breadth or scope of definition, as set forth in MPEP 806.03. The limitations recited in claims 1-3, 5 and 6 correspond to the limitations of claims 1-3, 10-12 of 10/932748. Subject matter claimed in claim 10 is inherently disclosed by claim 1 of 10/932748.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

4. Claims 1-8, 10, 12-16, 18, 20 and 21 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 8-10 of copending Application No. 10/932972. Although the conflicting claims are not identical, they are not patentably distinct from each other because as to claim 1, it would have been obvious matter of design choice to modify claim 1 of 10/932972 by having the second connector disposed on the first side plate, since applicant has not disclosed that having the second connector mounted at this specific location solves any stated problem and it appears that the tuner device would perform equally well with the second connector mounted at any side plate. Further, subject matter claimed in claims 2-8 are met by claims 2-4 of 10/932972, and subject matter claimed in claims 12 and 14 are met by claims 8-10 of 10/932972, and subject matter claimed in claims 15 and 16 are met by claims 1-4, 8-10 of 10/932972. As to claim 13, it would have been obvious matter of design choice to modify claims 8-10 of 10/932972 by having the L-shaped third shield plate, since applicant has not disclosed that having the L-shaped shield plate solves any stated problem and it appears that the tuner device would perform equally well with the third shield plate at any shape. Subject matter claimed in claims 10, 18 and 21 are inherently disclosed by claim 1 of 10/932972. As to claim 20, it would have been obvious matter of design choice to modify claims 1, 8-10 of 10/932972 by having the sub-sections in different sizes and shapes, since applicant has not disclosed that having the sub-sections at different sizes and

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shapes solve any stated problem and it appears that the tuner device would perform equally well with the sub-sections at any sizes and shapes.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Allowable Subject Matter

5. Claims 9, 17, 19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto (6400419) discloses television tuner system having a frame.

Sasaki (7030940) shows a tuner that suppresses outside radiation of inside oscillated signal.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrie Hsia whose telephone number is (571) 272-7347.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office whose telephone number is (571) 272-1000.


Sherrie Hsia
Primary Examiner
Art Unit 2622

SH
July 20, 2006